REMARKS

Claims **56-72** are pending in the application.

Claims **56-72** stand rejected.

Claims **56, 61-62, 67-68** and **70-72** have been amended.

Claims **57, 63** and **69** have been cancelled.

Formal Matters

Independent claim 68 remains unaddressed in the final Office Action, but is assumed to be rejected under the same or similar rationale as claims 56 and 62. Applicants respectfully request the provision of a rationale for rejecting claim 68, should claim 68 remain rejected in light of the amendments and arguments made hereby.

Rejection of Claims under 35 U.S.C. §102

Claims 56, 62 and 68 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Thrysoe, U.S. Patent No. 6,574,238 (Thrysoe). Applicants respectfully submit that the rejection of amended independent claims 56, 62 and 68 is overcome based on the amendments made thereto.

Rejection of Claims under 35 U.S.C. §103

Claims 57-61 and 63-67 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Thrysoe, U.S. Patent No. 6,574,238 (Thrysoe) in view of Upp, et al., U.S. Patent No.

4,967,405 (Upp). Applicants respectfully traverse this rejection, both as an initial matter, as well as in light of the amendments presented herein.

As an initial matter, claims 57, 63 and 69 have been cancelled, rendering the foregoing rejection moot as to these claims. However, independent claims 56, 62 and 68 have been amended to recite the limitations of these claims, as well as other limitations, and so these limitations are addressed in the following remarks.

While not conceding that the cited reference qualifies as prior art, but instead to expedite prosecution, Applicants have chosen to respectfully disagree and traverse the rejection as follows. Applicants reserve the right, for example, in a continuing application, to establish that the cited reference, or other references cited now or hereafter, do not qualify as prior art as to an invention embodiment previously, currently, or subsequently claimed.

Claim 56, as amended, now reads:

56.   A method comprising:
    receiving a plurality of time slots, wherein
        said time slots comprise a first frame and a second frame,
        said second frame is received subsequently to said first frame, and
        said first frame and said second frame are time-division multiplexed frames;
    relocating existing network management information of said second frame from a set of
        byte locations of said second frame to another set of byte locations of said second
        frame;
    relocating network management information from a first set of byte locations of said first
        frame to said set of byte locations of said second frame; and
    cross-connecting said time slots.

Amended independent claims 62 and 68 now recite similar limitations (claim 68 having

not been addressed in the Office Action, but assumed to be rejected under the same or similar

rationale). No new matter is added thereby, the amendments finding support in the

Specification. (e.g., Specification, at least at p. 4, line 22, through p. 8, line 19)

Thrysoe, by contrast, is directed to:

"A method of transmitting data between an interface device and an inter-

switch link includes receiving a frame on the inter-switch link and determining

whether the frame's payload is an encapsulated frame and forming a modified

frame when the frame's payload is an encapsulated frame. The header of the

modified frame includes a subset of data from the received frame's header. A link

interface device is also featured. The link interface device includes a data

transmitting and receiving unit, frame type circuitry, and frame modification

circuitry. The data transmitting and receiving unit couples the device to an inter-

switch link to transmit and receive data frames on the link. The frame type

circuitry can receive data frames from the transmitting and receiving unit and can

determine whether a payload segment in the received data frame is an

encapsulated frame. The frame modification circuitry is coupled to the frame type

circuitry and can modify frame header segment data when the payload segment in

the received frame is an encapsulated frame." (Thrysoe, Abstract)

Application No.: 09/727,905

Thus, Thrysoe is directed to the rearrangement of information within the same frame, at best (and, in fact, a point of comparison which Applicants do not concede provides anything approaching sufficient basis for the proposition for which Thrysoe is cited). As can be seen, Thrysoe fails to show, teach or even suggest the relocation of information from a first location in a frame to another location in that frame, and then writing information from another frame (situated in a given location in that frame) into the first location in the frame (regardless of the first location's position within that frame).

Applicants therefore believe that the aforementioned amendments are in line with distinctions between the claimed invention and Thrysoe, as now noted, and respectfully assert that independent claims 56, 62 and 68 are now sufficiently distinguished from Thrysoe (as well as any permissible combination of Thrysoe and Upp, as noted subsequently) and so are now in condition for allowance.

At best, then, Thrysoe is directed to the rearrangement of the same frame. As will therefore be appreciated, given Thrysoe's failure to show, teach or even suggest the claimed relocation, for the Office Action's rationale to stand, Upp would need to show, teach or suggest the claimed relocation operations, as well as the limitations for which Upp is cited as purportedly teaching. Unfortunately, Upp fails to cure Thrysoe's infirmities. As will be appreciated, Upp is not, in fact, cited in this regard, and appropriately so. Upp is directed to:

"A modular, expandable, non-blocking system for cross-connecting high speed digital signals is provided. The system is capable of connecting DSn, CEPTn, and STSn signals as desired, with lower rate signals being included as components of the high-rate signals or terminating on low speed lines, as desired.

Application No.: 09/727,905

The system accomplishes its goals by converting all incoming signals into a substantially SONET format, and by processing all the signals in that format. The signals are typically cross-connected in the substantially SONET format, although an expandable non-blocking wide band cross-connect module is provided which cross-connects any like signals. If the outgoing signal is to be in other than SONET format, the substantially SONET formatted signal is reconverted into its outgoing format. To create a complete system, various modules are utilized, including: add/drop multiplexer means for add/drop applications of DS-0, DS-1, CEPTn signals, etc.; a SONET bus interface; a virtual tributary cross-connect module which cross-connects virtual tributary payloads in space, time, and phase to generate new substantially SONET formatted signals; a wide band cross-connect module; a DS-3/SONET converter; and front end interfaces including a DS3 line interface, and various STSn interfaces. The modules may be mixed and matched as desired to accommodate a multitude of applications." (Upp, Abstract)

Thus, Upp is directed to modular, expandable, non-blocking system for cross-connecting high speed digital signals. As can be seen, Upp therefore also fails to show, teach or even suggest the relocation of information from a first location in a frame to another location in that frame, and then writing information from another frame (situated in a given location in that frame) into the first location in the frame (regardless of the first location's position within that frame).

Moreover, not only does Upp fail to show, teach or suggest the movement of protocol control information from one place in a frame to another (let alone Upp's completely ignoring

the movement of protocol control information from one frame to an entirely different frame), Upp ensures that any such information (though Applicants do not intend that any such parallels can be drawn) remain in place within a given frame. Thus, one of skill in the art would certainly not rely on Upp for such teachings, given the antithetical nature of such teachings to Upp's basic tenets to those described in Thrysoe. Upp's approach of leaving control information in place is simply at odds with Thrysoe's movement of information within a frame.

However, were one somehow able to successfully combine Thrysoe and Upp (a point which Applicants obviously do not concede), one would only be able to produce a system that might be capable of moving information within a frame (again, though antithetical to Upp's approach). Certainly, such a system would fail to show, teach or suggest the relocation of information from a first location in a frame to another location in that frame, and then writing information from another frame (situated in a given location in that frame) into the first location in the frame (regardless of the first location's position within that frame)
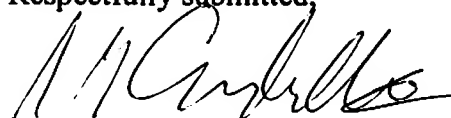
For these reasons, Applicants respectfully submit that amended independent claims 56, 62 and 68, and all claims dependent upon them, are not made obvious by Thrysoe and Upp, taken alone or in any permissible combination, and that the claims are therefore in condition for allowance. Applicants therefore request the Examiner's reconsideration of the rejections to those claims.

CONCLUSION

In view of the amendments and remarks set forth herein, the application is believed to be in condition for allowance and a notice to that effect is solicited. Nonetheless, should any issues remain that might be subject to resolution through a telephonic interview, the Examiner is invited to telephone the undersigned at 512-439-5084.

If any extensions of time under 37 C.F.R. § 1.136(a) are required in order for this submission to be considered timely, Applicant hereby petitions for such extensions. Applicant also hereby authorizes that any fees due for such extensions or any other fee associated with this submission, as specified in 37 C.F.R. § 1.16 or § 1.17, be charged to deposit account 502306.

Respectfully submitted,

Samuel G. Campbell, III
Attorney for Applicants
Reg. No. 42,381
Telephone: (512) 439-5084
Facsimile: (512) 439-5099